



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2011 Biennium

<b>Bill #</b>	HB0422	<b>Title:</b>	Revise eminent domain law on necessity for railroads
<b>Primary Sponsor:</b>	Cohenour, Jill	<b>Status:</b>	As Introduced

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Significant Local Gov Impact     | <input type="checkbox"/> Needs to be included in HB 2             | <input checked="" type="checkbox"/> Technical Concerns   |
| <input type="checkbox"/> Included in the Executive Budget | <input checked="" type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

### FISCAL SUMMARY

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
<b>Expenditures:</b>				
General Fund	\$0	\$0	\$0	\$0
State Special Revenue	\$5,000	Unknown	Unknown	Unknown
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
State Special Revenue	\$0	Unknown	Unknown	Unknown
<b>Net Impact-General Fund Balance:</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

### Description of fiscal impact:

The ongoing fiscal impact of HB 422 to the Montana Department of Transportation (MDT) is unknown. HB 422 places MDT in a regulatory role where expenditures cannot be established for the fiscal impact. MDT estimates right of way issues and legal support are main components of the unknown fiscal impact.

### FISCAL ANALYSIS

#### Assumptions:

#### **Department of Transportation (MDT)**

- MDT should meet the requirement of developing procedural and substantive rules outlined in the bill within the 2011 biennium. This would have a fiscal impact to the department that is undetermined at this time. It is estimated that there would be a fiscal impact associated with the notice, adoption, and public hearing process for the administrative rule function of no more than \$5,000.
- The condemnor will bear all expenses related to the application, including reimbursing MDT for actual and necessary costs related to the application per amended 70-30-111, Section 2 (7), MCA, in HB 422.

	<b><u>FY 2010 Difference</u></b>	<b><u>FY 2011 Difference</u></b>	<b><u>FY 2012 Difference</u></b>	<b><u>FY 2013 Difference</u></b>
<b><u>Fiscal Impact:</u></b>				
<b><u>Expenditures:</u></b>				
Operating Expenses	\$5,000	Unknown	Unknown	Unknown
<b><u>Funding of Expenditures:</u></b>				
State Special Revenue (02)	\$5,000	Unknown	Unknown	Unknown
<b><u>Revenues:</u></b>				
State Special Revenue (02)	\$0	Unknown	Unknown	Unknown
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u></b>				
State Special Revenue (02)	(\$5,000)	Unknown	Unknown	Unknown

**Long-Term Impacts:**

1. This legislation, by placing MDT in a lead role for condemnation, places legal costs and additional legal FTE needs for MDT that are foreseen as a long term impact. These impacts are undeterminable at this point due to the lack of information on issues that could come before MDT.

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*Sponsor's Initials*\_\_\_\_\_  
*Date*\_\_\_\_\_  
*Budget Director's Initials*\_\_\_\_\_  
*Date*